

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON WEDNESDAY, FEBRUARY 5, 1997.**

Members Present: Patrick J. Gilmartin, Chairman
Robert Buford
William Hoffman, Secretary
Peter Lilienfield

Members Absent: William Bush

Also Present: Kevin J. Plunkett, Village Counsel
Brenda Livingston, Ad Hoc Planning Board
Member
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson, E.C.B. Chair
Joseph Jacoby, J & L Reporting Service, for
Westwood
Development Associates
Cynthia Sullivan, Sullivan Recording, for
Abbott House
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 94-03 -- Westwood Development
Associates, Inc.

Sht. 10,10C,11, Lots
25K,25J2,25K2,25,25A,26A

96-13 -- Louis W. Goodkind

Sht. 10F, Bl. 253, Lot 15

96-29 -- Renato Rancic - Lot #1, Dedyo

Subdivision

Sht. 13B, P9B, P25A, P68A, Lot #1

96-30 -- Renato Rancic - Lot #3, Dedyo

Subdivision

Sht. 13B, P9B, P25A, P69A, Lot #3

96-32 -- Sonia Cohen

Sht. 10A, Bl. 226, Lot 11

96-34 -- Sonia Cohen

Sht. 10A, Bl. 226, Lot 15

96-36 -- O'Hara/Hickey

Sht. 15, P121, P121F

97-02 -- Abbott House

Sht. 10, P-21

97-03 -- Theodor & Annette Brown

Sht. 8, Bl. 218, Lot 69, 70

The Chairman called the meeting to order at 8:00 P.M.

Administrative Matters:

IPB Matter #96-15:
Caracciolo for Site

Application of Andrew & Diane

18 Croton

**Capacity Determination for Property at
Place.**

The Chairman noted receipt of Minutes of a Zoning Board of Appeals meeting held November 19, 1996, stating the Caracciolo application for variances had been denied.

IPB Matter #96-13:
for Preliminary

Application of Louis W. Goodkind

Subdivision of property

**Layout Approval for a two lot
at Harriman Road and Fieldpoint Drive.**

Gerald D. Reilly, Esq., appeared for the Applicant and informed the Board that the additional maps of the proposed Subdivision which had been requested were not yet available and the matter was therefore carried over to the next meeting. The Chairman pointed out to Mr. Reilly that Section 243-66D of the Village Code requires a Site Development Plan Approval for the erection of any building in any district on a lot where resource protection land comprises 20% or more of the square footage of the lot. He said that he believed that the proposed Subdivision may fall into this category. The Chairman also mentioned that Section 207-19F(2) of the Village Code prohibits the Planning Board from approving any lot in a Subdivision which has a site capacity of less than one dwelling unit. Accordingly, even though the overall site being subdivided has been determined to have a site capacity of two dwelling units, Mr. Reilly will have to demonstrate that each of the proposed lots has a site capacity of one dwelling unit.

IPB Matter #97-03:
Brown for Site

Application of Theodor & Annette

**Development Plan Approval for property
at 40 Ardsley
Avenue West.**

Radoslav Opacic, Architect, appeared for the Applicant. Applicant paid the required application fee and submitted evidence of mailing of Required Notice to Affected Property Owners.

Dr. Theodor H. and Annette L. Brown, considering the purchase of the above mentioned piece of property, are concerned about the existing driveway and garage. The original garage, located in the basement, is small and inconvenient. The Brown's propose a new two-car garage, to be located off the main circular drive, near the front entrance.

Since this does not meet setback requirements, adjourned to go to ZBA. The Chairman also stated that other items would be needed: site development plan approval application, contour, drainage and how this will fit into the existing neighborhood.

IPB Matter #94-03:
Development

Application of Westwood

Associates, Inc., for Limited

Site Development

Plan Approval for property at

Broadway,

Riverview Road and Mountain Road.

Mr. Padraic Steinschneider appeared on behalf of the Application. Applicant submitted a list of Affected Property Owners dated January 27, 1997 and an Affidavit of Mailing/Publication dated January 31, 1997. The Chairman noted that the last activity before the Board was October 2, 1996. He also noted that the Applicant had delivered to the Clerk of the Planning Board several sets of DEIS volumes, but they had not been submitted in time for distribution to the members of the Planning Board before tonight's meeting in accordance with established procedures. Accordingly, he noted that the documents would not be considered as having been submitted until the Planning Board's next meeting.

A brief description of the proposed Limited Site Development Plan and Preliminary Subdivision Plan is as follows: Applicant proposes to construct forty-six (46) one family dwellings on individual lots on property

containing approximately forty (40) acres. The subdivision shall consist of three tracts. Tract A, consisting of twenty-three (23) dwellings to be accessed by High School Drive. Tract B, consisting of ten (10) dwellings, and Tract C, consisting of thirteen (13) dwellings, will be accessed by Peter Bont Road (Mountain Road).

The proposal will now be geared to High School Road as the primary access (not Link Road). A completed DEIS will be submitted at the March 12, 1997 meeting. A site walk for the Planning Board will be scheduled within the next two months.

A complete transcript of the proceedings related to this matter was prepared and is incorporated by reference.

IPB Matter #96-29:
for Site

Application of Renato Rancic
Development Plan

Approval for Lot 1 in the

Dedyo Subdivision.

Applicant submitted: "Site Plan (Lot #1) Rancic Property, dated 01/24/97, "Utility Plan (Lot #1) Rancic Property, dated 01/24/97, and "Construction Details (Lot #1) Rancic Property, dated 01/24/97, prepared by John Meyer Consulting.

Jim Ryan of John Meyer Consulting and David Steinmetz appeared for the Applicant. They informed that Board that the Applicant had decided to temporarily withdraw the application insofar as it relates to Lot 3 because it had been concluded that that lot had certain problems which required further study. They explained that the differences between the drawings now submitted and the earlier drawings indicate that the driveway had been relocated, the house had been shifted on the lot to move it farther away from the house on the north side, and to make it fit better into the topography of the lot. The architecture of the proposed house had also been changed considerably to make it more harmonious with the other houses in the neighborhood. The Applicant said that these changes were made in response to comments made by members of the Board during a site walk on January 25. The Chairman stated that he was pleased to see that the Applicant had given serious consideration to the concerns of the Board expressed on that walk and the other members

generally concurred in the statement. However, Mr. Buford stated that he was still concerned about the mass of the proposed residence, and the fact that because it is situated on a knoll, it will appear quite tall. He expressed that hope that the elevation of the knoll could be reduced to further reduce the overall height of the house.

Mr. Lilienfield said the Applicant should be careful that the design of Lot 1 should be integrated with that of Lot 3, i.e., the Applicant should make sure that by delaying of site plans for Lot 3 and proceeding with Lot 1, greater problems for Lot 3 might be created.

The Board scheduled a public hearing on the Site Plan for its next meeting, March 12 at 8 p.m.

IPB #96-30: Application of Renato Rancic
for Site Development Plan
Approval for Lot 3 in the
Dedyo Subdivision.

As noted above, further action on the Application was adjourned.

IPB Matter #96-32 & #96-34: Application of Sonia
Cohen for Site Capacity
Determination for property at
Riverview Road.

David S. Steinmetz, Esq., appeared for the Applicant. The Cohen original proposal was a request for confirmation that the site has five existing lots. The intent was to develop three of these lots leaving the other two as the site of the existing house and garage. This objective was subsequently changed to a proposal for additional development of only two of the five lots, with a piece of lot 12 being taken from it and added to lot 11. The proposed development was to be on lot 15 and the expanded lot 11. Lots 13 and 14 are the site of the existing house and garage. The Board agreed that the movement of the lot line was not a subdivision and that no site development plan approval will be required. Kevin J. Plunkett, Village Counsel, submitted a letter dated February 5. The point of the letter (as follow-up to the January discussion) was that the individual lots created by the old subdivision had not been merged by

common law because there is no such merger provision in the Village Code and cases now say there is no such thing as a common law merger.

The Chairman questioned the legal status of what appears to be an easement giving access to the high school that crosses Lot 12. Mr. Steinmetz informed that Board that although this shows on the survey submitted it is indicated as a proposed easement apparently nothing formal had ever been recorded in the land records. He said however that if the school were to request it, he believes the Applicant would be willing to execute a formal easement in recordable form to preserve the access. The question arose whether the easement would have to be deducted in the determination of the site capacity of Lot 12 and possibly Lot 11, but inasmuch as there is no recorded easement, the question seems moot.

The Chairman pointed out that because it appears possible that on Lot 11 there is 20% or more resource protection land, a site development plan approval for that lot might be required. This matter was referred to Mr. Mastromonaco to make a determination.

The Board then determined the site capacity of Lot 15 was one dwelling unit.

Ministerial:

David Steinmetz, Esq., noted Irvington Associates, Legend Hollow Subdivision, will submit Site Development Plan Approval Applications for Lot #62 and Lot #65 for review and public hearing at the March 12, 1997 Planning Board meeting.

IPB Matter #96-36:
O'Hara & Katherine

Approval for

Application of Walter T.
O'Hara Hickey for Subdivision
property at One Hudson Road East.

Gerald D. Reilly, Esq., appeared for the Applicant. Submitted evidence of Mailing to Affected Property Owners. Since the subdivision application was submitted late, the matter was not considered.

IPB Matter #97-02:
for Renewal of

Application of Abbott House
Special Permit.

Marianne L. Sussman, General Counsel for Abbott House and Denis J. Barry, Executive Director & CEO, appeared on behalf of the Applicant. They submitted an Affidavit of Mailing and Publication concerning the public hearing scheduled for tonight's meeting. Thereupon the Chairman opened the public hearing.

Abbott House is requesting the Planning Board to grant renewal of a special permit for use of the parcel including all buildings for administrative offices, home and school for the provision of a child care program for dependent, neglected, and abused children.

Twenty-five letters were received supporting the Abbott House renewal. A six minute video was shown, depicting the mission of Abbott House. About 65 boys, ages eight through fifteen reside there. The Board was addressed by Mr. Thomas F. McEvily, President of the Abbott House Board of Directors, Dr. Michael Crow, Irvington resident and Board Member, and Mr. Timothy Tostanoski, (a friend of the O'Hara family). All supported the renewal and Mr. McEvily requested the renewal be granted for ten years.

Two major issues were discussed: 1) Dr. Mitchell Adler of Riverview Road submitted a letter and pictures of a collapsed stone wall between his property and the Abbott House property. He said he had tried to work out an arrangement with Abbott House for repair of that wall, which he was concerned was creating a safety problem at least with respect to the stockade fence since that is on top of the wall, but that Abbott House refused permission for him to make repairs. This led to a discussion of on whose property the wall was located but no clear answer emerged. Abbott House agreed to investigate the matter further and advise the Board. The Board requested Mr. Hughey between now and the next meeting to inspect the wall to determine if there is a safety problem. If the wall is not on Abbott House property, it is on a private right-of-way and in this case it was possible that Dr. Adler could make the repairs without Abbott House's permission. 2) Mr. David A. Kaplan of Circle Drive has provided a series of letters stating his concern about speeding on Strawberry Lane by Abbott House vehicles.

Mr. Robert Costello made a presentation stating that the limited line of site of the Kaplan driveway was a problem, unrelated to speed. Some speed bumps are in place at the start of Strawberry Lane, but are removed in winter by Abbott House. Mr. Kaplan made a presentation which again stressed the speed issue. Mr. Donald F. Reis of Tarrytown (Abbott Board Member) spoke suggesting that Mr. Kaplan protect himself by installing a gate and a mirror, lowering his shrubbery and increasing the driveway turnaround.

The Public Hearing was adjourned until the March meeting.

A complete transcript of the proceedings was prepared and is incorporated by reference.

The Board then considered the following administrative matters:

- Chairman distributed new Planning Board application forms to replace outdated forms. Board members to review, for adoption at March meeting.
- Minutes of the Planning Board held on January 8, 1997, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for March 12, 1997.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Secretary

William Hoffman,